IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.27980 of 2008
1. RAVI KUMAR
2. Shashi Kumar … … Petitioners
Versus
THE STATE OF BIHAR … … Opp. Party
For the petitioners: Shri Farood Ahmad Khan
For the State: Shri Dashrth Mehta, A.P.P.

For the informant: Shri Tara Kant Jha, Sr.Adv.

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6. 17.10.2008 Heard Shri Farood Ahmad Khan, learned counsel for the petitioners, Shri Tara Kant Jha, learned Senior counsel for the informant and Shri Dashrath Mehta, learned Additional Public Prosecutor for the State.

The informant has filed a counter affidavit indicating to this Court that the cheques which were handed over to learned counsel for the informant, in most cases, have bounced on account of either the account being frozen or on account of insufficiency of fund. The Court does not want to render any legal advice when the parties have already engaged competent counsel. The law shall take its own course if the informant could take resort to legal proceedings.

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As regards the failure in payment, as indicated in the order dated 1.10.2008, the Court does not have any doubt in it that the

petitioners were making misstatement of fact and handing over the cheques which were of no value and, as such, were acting against their own statements and probably with a view to leading this Court to pass an order which the Court, under ordinary circumstance, was not inclined to pass. At this stage Shri F.A. Khan, learned counsel appearing for the petitioners wanted to hand over, as per his submission, liquid cash of Rs. 6,00,000/- six (lacs) which Shri Tara Kant Jha, Senior counsel appearing for the informant refused to accept and suggested to the Court that the cash could be deposited with the Cashier of this Court from where he could be attempting to receive the same.

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Let the Registrar General of the Court be directed to arrange for the receipt of Rs. 6,00000/-(six lacs) from Shri F.A. Khan, learned counsel for the petitioners or any Advocate who could be holding power for the petitioners in the present petition. The Cashier shall take steps for custody of the cash after duly verifying the genuineness of the currency notes so as not to be duped as

the Court has lost faith in the petitioners since after the delivery and presentation of the cheques with promise that the informant could be receiving the cheque amount. It appears completely a false statement and equally a false promise. There is no purpose for further fixing the petition for hearing as the petitioners have to surrender before the court below with a fresh prayer for bail.

The petition stands dismissed.

This order shall not foreclose the compromise and reconciliation between the parties if they decide to explore it and act accordingly. If the court below is approached with a proper prayer by depositing the cash in the Nazarat of the Civil Courts, Patna, it would not be negating the prayer and allowing the parties to negotiate and help them out by encouraging settlement.

If the money is deposited, the court below shall facilitate the deposit of the same as also withdrawal of the amount without any hassle.

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Kanth (Dharnidhar Jha, J.)